

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6829

BILL NUMBER: SB 292

NOTE PREPARED: Feb 5, 2015

BILL AMENDED: Feb 5, 2015

SUBJECT: St. Joseph County Courts.

FIRST AUTHOR: Sen. Zakas

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: ☒ **GENERAL**
☐ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

STATE IMPACT	FY 2015	FY 2016	FY 2017
State Revenues			
State Expenditures		474,405	474,405
Net Increase (Decrease)		(474,405)	(474,405)

Summary of Legislation: (Amended) This bill has the following provisions:

- A. *Three New Magistrates* – It allows the: (1) judge of the St. Joseph Circuit Court to appoint one additional full-time magistrate, without considering the political affiliation of a candidate for magistrate, for a total of three full-time magistrates; and (2) judges of the St. Joseph Superior Court to jointly appoint two additional full-time magistrates for a total of four full-time magistrates, not more than two of whom may be from the same political party.
- B. *St. Joseph Judicial Nominating Commission* – It provides that meetings of the St. Joseph Judicial Nominating Commission must be held at a place in: (1) the St. Joseph County courthouse; or (2) another building owned or operated by St. Joseph County; in South Bend as the clerk of the St. Joseph Superior Court may arrange. It provides that the commission shall act only by the concurrence of a majority of its members.

Effective Date: July 1, 2015.

Explanation of State Expenditures: The additional annual cost for three magistrate salaries and fringe benefits is estimated to be \$474,405. The St. Joseph Circuit Court has one judge, and the St. Joseph Superior Court consists of eight judges.

Additional Information- The salaries of circuit and superior court judges and magistrates can be adjusted each year by one of two methods:

- The General Assembly could increase the amount specified in statute.
- If the General Assembly does not increase the salary of judges by a nominal amount, then under IC 33-38-5-8.1, salaries of judicial officers can be adjusted by the amount that executive staff salaries in the same salary level are increased and the Chief Justice of the Indiana Supreme Court approves the increase.

State expenditures associated with these new court officers also depend on the costs of fringe benefits for state employees. While most of the benefits are based on a percentage of the salaries of the employee, the costs of medical insurance for the persons filling these new positions will depend on future decisions of the executive branch. The extent to which the state would pass along any increase in health insurance costs to employees is unknown.

The following table presents an estimate of the total compensation (base salary and fringe benefits) of magistrates for FY 2016. Future salary increases will depend on legislative or administrative actions (see IC 33-38-5-8.1).

Salaries and Benefits for Magistrates (FY 2016)	
<u>Benefits</u>	<u>Magistrates</u>
Salary	\$106,996
Life Insurance	\$160
Indiana Judicial Conference	\$1,000
Social Security	\$8,185
Disability Insurance	\$1,872
Retirement (see note)	\$27,718
Health, Dental, and Vision (blended rate)	\$12,204
Total Cost Per Judicial Officer	\$158,135
x (3 added magistrates)	<u>3</u>
	<u>\$474,405</u>

Note About Retirement Expenditures – LSA uses the four-year average of normal costs between FY 2010 and FY 2013 of each active member of the Judges Retirement Fund less the member’s contribution (roughly 6% of payroll) to calculate the annual retirement costs of magistrates. Normal cost is defined as the present value of benefits accruing for a particular plan year. From 2006 to 2013, normal costs for the plan increased by more than 96%. This is due, in part, to increases in retirement and disability benefits.

Explanation of State Revenues:

Explanation of Local Expenditures: Depending on the St. Joseph County's current building capacity, the county may need to find additional hearing rooms for these three new magistrates. In addition, St. Joseph County could incur added costs for new support staff.

Explanation of Local Revenues:

State Agencies Affected: Office of State Court Administration; Indiana Supreme Court; Indiana Judicial Center.

Local Agencies Affected: St. Joseph Circuit and Superior Courts.

Information Sources: Office of State Court Administration; Indiana Supreme Court; Indiana Public Retirement System; State Budget Agency *Operating Budget Instructions FY 2016 - 2017*; IC 33-33-71-5

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